

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

YURY SHADRIN, *et al.*,

Plaintiffs

v.

**STUDENT LOAN SOLUTIONS, LLC,
*et al.***

Defendants

Case No. 1:20-cv-3641-CCB

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT
FELDMAN & ASSOCIATES, P.C.'S MOTION TO DISMISS, OR IN THE
ALTERNATIVE, FOR SUMMARY JUDGMENT**

Plaintiffs, Yury Shadrin and Tania Burinskas, by their undersigned counsel, do hereby oppose Defendant Feldman & Associates, P.C.'s Motion to Dismiss, or in the Alternative, for Summary Judgment ("Motion to Dismiss") and in support thereof state:

1. Plaintiffs have elected, pursuant to Fed. R. Civ. P. 15(a)(2), with written consent of Defendants, to amend their original complaint. See ECF. Nos. 32 and 34.
2. As a result of the amendment, the Motion to Dismiss is moot since it concerns a pleading no longer before the Court. *See Taylor v. Abate*, 1995 WL 362488, *2 (E.D.N.Y.1995) ("Defendants' motion to dismiss is addressed solely to the original complaint...Consequently, upon the filing of the amended complaint, their motion is mooted and, therefore, denied."); *In re Colonial Ltd. Partnership Litig.*, 854 F.Supp. 64, 80 (D.Conn.1994) (noting where "a plaintiff amends its complaint while a motion to dismiss is pending" the court may "deny[] the motion as moot"); *Rathke v. HCA Management Co., Inc.*, 1989

WL 161431, at *1 n. 1 (D.Kan.1989) (holding that “motion to dismiss...became moot when plaintiff filed an amended complaint”); *Gresham v. Waffle House, Inc.*, 586 F.Supp. 1442, 1444 n. 1 (N.D.Ga.1984) (same).

WHEREFORE, Plaintiffs request that the Court deny without prejudice Defendant’s Motion to Dismiss (ECF. 10) as moot.

Dated: March 15, 2021

Respectfully Submitted,

/s/Kathleen P. Hyland, Esq.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 15, 2021 the foregoing Plaintiffs' Response in Opposition to Defendant Feldman & Associates, P.C.'s Motion to Dismiss, or in the Alternative, for Summary Judgment, was served electronically through the Court's ECF system upon:

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